

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 07-248 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

MICHAEL JOHN WELLS,

Defendant.

Michael A. Dees, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for plaintiff.

Andrew H. Mohring, Assistant Federal Defender, **OFFICE OF THE FEDERAL DEFENDER**, 300 South Fourth Street, Suite 107, Minneapolis, MN 55415, for defendant.

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS HEREBY ORDERED:**

1. That, with respect to the Defendant's Motion to Suppress Evidence Obtained as a Result of a Search on January 16, 2007 [Docket No. 26], we direct that the Clerk of Court record that Motion as having been withdrawn.

2. That the Defendant's Motion to Suppress Statement made on March 4, 2006 [Docket No. 27], is denied, as moot.

3. That the Defendant's Motion to Suppress Statement made on January 16, 2007 [Docket No. 27], is denied.

DATED: October 10, 2007
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge